IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.925 OF 2003
IN
SUIT NO.73 OF 2002
IN
PETITION NO.758 OF 2001

Prakash B.Nayak & Anr. .. Petitioner/ Plaintiff

Vs.

V.A.Agaskar .. Defendants

Mr.J.P.Sen i/b Fazalbhoy Motafram & Co.for the plaintiff

Mr.E.K.Sasidharan for the Caveator/Defendant

CORAM : S.U.KAMDAR, J

DATED : 17TH JUNE 2005

P.C.:

1. By consent of the parties, the following order is passed:

2. That C.K.P Co-op. Bank Ltd., who is in occupation and possession of Ground Floor Premises situated at Ramdas Ashram, Plot No.44, T.P.S.II, Prathana Samaj Road, Ville Parle (East), Mumbai is paying compensation of sum of Rs.1,04,000/- per

month. The said C.K.P. Co-op. Bank Ltd. is directed to deposit punctually the compensation amount on 10th of every month in this court to the credit of the present suit.

3. I am informed that the bank is paying the amount after deducting the Income Tax payable on the said compensation amount. Bank is directed to deposit the said balance amount after deduction of Income Tax with the office of the Prothonotary & Senior Master. Office of the Prothonotary & Sr.Master, High Court, Mumbai shall invest the said accumulated amount every month with any Nationalised Bank initially for a period of 3 years and renew the same from time to time till further orders.

4. In so far as collection of amount of rent from other tenants are concerned, defendants are permitted to collect the same and discharge all outgoings including of property tax therefrom. However, defendants shall file the account at the end of every financial year in respect of the amount collected as rent and every income and

indicate the outgoings and property tax. Such accounts to be filed within one month from the expiry of financial year and copy will be served to the plaintiffs herein. The learned counsel for the defendants also undertakes to this court that without prior permission of this court, defendants shall not alienate, encumber or create any third party rights in respect of property being Ramdas Ashram, Plot No.44, T.P.S.II, Prathana Samaj Road, Ville Parle (East), Mumbai and each of the tenements. Motion disposed of accordingly. However, there shall be no order as to costs.